

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 152, 158 and 161**

[EPA-HQ-OPP-2010-0427; FRL-9357-9]

RIN 2070-AJ26

**Notification of Submission to the Secretaries of Agriculture and Health and Human Services; Declaration of Prion as a Pest Under FIFRA; Related Amendments; and Availability of Final Test Guidelines****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notification of submission to the Secretaries of Agriculture and Health and Human Services.

**SUMMARY:** This document notifies the public as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that the EPA Administrator has forwarded to the Secretary of the United States Department of Agriculture (USDA) and the Secretary of the United States Department of Health and Human Services (HHS) a draft regulatory document concerning Declaration of Prion as a Pest Under FIFRA; Related Amendments; and Availability of Final Test Guidelines. The draft regulatory document is not available to the public until after it has been signed and made available by EPA.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2010-0427, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Jeff Kempter, Antimicrobials Division, 7510P, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: 703-305-5448; email address: [kempter.carlton@epa.gov](mailto:kempter.carlton@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. What action is EPA taking?**

Section 25(a)(2)(B) of FIFRA requires the EPA Administrator to provide the Secretary of USDA with a copy of any draft final rule at least 30 days before signing it in final form for publication in the **Federal Register**. Similarly, FIFRA section 21(b) requires the EPA Administrator to provide the Secretary of HHS with a copy of any draft final rule pertaining to a public health pesticide at least 30 days before publishing it in the **Federal Register**. The draft final rule is not available to the public until after it has been signed by EPA. If either Secretary comments in writing regarding the draft final rule within 15 days after receiving it, the EPA Administrator shall include the comments of the Secretary, if requested by the Secretary, and the EPA Administrator's response to those comments with the final rule that publishes in the **Federal Register**. If either Secretary does not comment in writing within 15 days after receiving the draft final rule, the EPA Administrator may sign the final rule for publication in the **Federal Register** any time after the 15-day period.

**II. Do any statutory and Executive order reviews apply to this notification?**

No. This document is merely a notification of submission to the Secretaries of USDA and HHS. As such, none of the regulatory assessment requirements apply to this document.

**List of Subjects in Parts 152, 158 and 161**

Environmental protection, administrative practice and procedures, agricultural commodities, pesticides and pests, reporting and recordkeeping requirements, chemical testing, test guidelines.

Dated: August 2, 2012.

**Martha Morell,***Acting Director, Office of Pesticide Programs.*

[FR Doc. 2012-19406 Filed 8-7-12; 8:45 am]

**BILLING CODE 6560-50-P****ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 168**

[EPA-HQ-OPP-2009-0607; FRL-9357-8]

RIN 2070-AJ53

**Notification of Submission to the Secretary of Agriculture; Pesticides; Regulation To Clarify Labeling of Pesticides for Export****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notification of submission to the Secretary of Agriculture.

**SUMMARY:** This document notifies the public as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that the EPA Administrator has forwarded to the Secretary of the U.S. Department of Agriculture (USDA) a draft final rule concerning the revision of regulations on the labeling of pesticide products and devices intended solely for export. The draft final rule is not available to the public until after it has been signed and is made available by EPA.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2009-0607, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Vera Au, Field and External Affairs Division (MC 7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460-0001; telephone number: (703) 308-9069; email address: [au.vera@epa.gov](mailto:au.vera@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. What action is EPA taking?**

Section 25(a)(2)(B) of FIFRA requires the EPA Administrator to provide the Secretary of Agriculture with a copy of any draft final rule at least 30 days before signing it in final form for publication in the **Federal Register**. This notice announces the submission of a draft final rule to the Secretary of Agriculture concerning the revision of regulations clarifying the labeling of pesticide products and devices intended for export. The draft final rule is not available to the public until after it has been signed by EPA. If the Secretary comments in writing regarding the draft final rule within 15 days after receiving it, the EPA Administrator shall include the comments of the Secretary, if requested by the Secretary, along with the EPA Administrator's response to those comments with the final rule that

publishes in the **Federal Register**. If the Secretary does not comment in writing within 15 days after receiving the draft final rule, the EPA Administrator may sign the final rule for publication in the **Federal Register** any time after the 15-day period.

## II. Do any statutory and executive order reviews apply to this notification?

No. This document is merely a notification of submission to the Secretary of USDA. As such, none of the regulatory assessment requirements apply to this document.

### List of Subjects in Part 168

Environmental protection, Administrative practice and procedure, Advertising, Exports, Labeling, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 2, 2012.

**Marty Monell,**

*Acting Director, Office of Pesticide Programs.*

[FR Doc. 2012-19408 Filed 8-7-12; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R2-ES-2012-0047; 4500030113]

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to List *Graptopetalum bartramii* (Bartram Stonecrop) and *Pectis imberbis* (Beardless Chinch Weed) as Endangered or Threatened and Designate Critical Habitat

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition finding and initiation of status review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list *Graptopetalum bartramii* (Bartram stonecrop) and *Pectis imberbis* (beardless chinch weed) as endangered or threatened under the Endangered Species Act of 1973, as amended (Act), and to designate critical habitat. Based on our review, we find that the petition presents substantial scientific or commercial information indicating that listing Bartram stonecrop and beardless chinch weed may be warranted. Therefore, with the publication of this notice, we will initiate a review of the status of these species to determine if listing Bartram stonecrop or beardless

chinch weed, or both, is warranted. To ensure that our status review is comprehensive, we request scientific and commercial data and other information regarding these species. Based on the status review, we will issue a 12-month finding on the petition, which will address whether the petitioned action is warranted, as provided in section 4(b)(3)(B) of the Act.

**DATES:** To allow us adequate time to conduct this review, we request that we receive information on or before October 9, 2012. The deadline for submitting an electronic comment using the Federal eRulemaking Portal (see **ADDRESSES** section, below) is 11:59 p.m. Eastern Time on this date. After October 9, 2012, you must submit information directly to the Division of Policy and Directives Management (see **ADDRESSES** section below). Please note that we might not be able to address or incorporate information that we receive after the above requested date.

**ADDRESSES:** You may submit information by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov> and Search for Docket No. FWS-R2-ES-2012-0047, which is the docket number for this action. If your submission will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our information collection procedures. If you attach your submission as a separate document, our preferred file format is Microsoft Word. If you attach multiple documents (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R2-ES-2012-0047; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will post all information we receive on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Request for Information section below for more details).

**FOR FURTHER INFORMATION CONTACT:** Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, Arizona Ecological Services Office, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021; by telephone (602-242-0210); or by facsimile (602-242-2513). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800-877-8339.

## SUPPLEMENTARY INFORMATION:

### Request for Information

When we make a finding that a petition presents substantial information indicating that listing a species may be warranted, we are required to promptly review the status of the species (status review). For the status review to be complete and based on the best available scientific and commercial information, we request information on Bartram stonecrop and beardless chinch weed from governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. We seek information on:

(1) The species' biology, range, and population trends, including:

- Habitat requirements for reproduction, germination, and survival;
- Genetics and taxonomy;
- Historical and current range including distribution patterns;
- Historical and current population levels, and current and projected trends; and
- Past and ongoing conservation measures for the species, its habitat, or both.

(2) The factors that are the basis for making a listing, delisting, or downlisting determination for a species under section 4(a) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), which are:

- The present or threatened destruction, modification, or curtailment of its habitat or range;
- Overutilization for commercial, recreational, scientific, or educational purposes;
- Disease or predation;
- The inadequacy of existing regulatory mechanisms; or
- Other natural or manmade factors affecting its continued existence.

If, after the status review, we determine that listing Bartram stonecrop or beardless chinch weed, or both, is warranted, we will propose critical habitat (see definition in section 3(5)(A) of the Act), under section 4 of the Act, to the maximum extent prudent and determinable at the time we propose to list the species. Therefore, we request data and information on:

(1) What may constitute "physical or biological features essential to the conservation" of each species within the geographical range currently occupied by the species;

(2) Where these features are currently found;

(3) Whether any of these features may require special management considerations or protection;